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14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

15 **FOR THE COUNTY OF LOS ANGELES**

16 **ADRIAN RISKIN,**

17 Petitioner,

18 vs.

19 **El Rio Community School,**

20 Respondent.

Case No. 20STCP00236

**Verified Petition for Writ of Mandate  
Ordering Compliance with the California  
Public Records Act**

[Government Code §§ 6250 *et seq.*; Code of  
Civil Procedure § 1085]

1 Petitioner Adrian Riskin petitions this Court for a writ of mandate requiring Respondent El Rio  
2 Community School (“ERCS”) to immediately make available to Petitioner public records lawfully  
3 requested by Petitioner pursuant to the California Public Records Act (“CPRA”), Government Code §  
4 6250, *et seq.* Petitioner also respectfully requests that this Court grant relief in the form of costs of suit,  
5 attorney’s fees, and other appropriate and just relief resulting from Respondent’s unlawful conduct.  
6 Petitioner alleges as follows:

## 7 **PARTIES**

8 1. Petitioner Dr. Adrian Riskin is a resident of Los Angeles, a professor at a local college, and an  
9 open records activist. Using the CPRA to investigate and understand the activities of the Los Angeles City  
10 government, Riskin makes all his findings freely available to the public through blogging and community  
11 events. Information Riskin has uncovered via CPRA requests has assisted the media, academic  
12 researchers, and the public at large in understanding local government in Los Angeles. His records have  
13 been used by U.C. Berkeley School of Law’s Policy Advocacy Clinic and documentary filmmakers  
14 producing a film about the Greater West Hollywood Food Coalition. Riskin has also helped to empower  
15 the public by publishing a guide to the practical use of the CPRA in the City of Los Angeles. Riskin is a  
16 member of the public within the meaning of §§ 6252(b)-(c).

17 2. Respondent ERCS is a charter school subject to the CPRA under Education Code § 47604.1(b)(2)

## 18 **JURISDICTION AND VENUE**

19 3. This court has jurisdiction over this petition pursuant to Government Code sections 6258 & 6259  
20 and Code of Civil Procedure § 1085

21 4. Venue is proper in this Court. The records in question, or some portion of them, are situated in the  
22 County of Los Angeles. *See* Gov’t Code § 6259(a). Also, Respondent’s principle place of business is  
23 located in the County of Los Angeles. *See* Code Civ. Proc. § 395.5.

## 24 **GENERAL ALLEGATIONS**

25 5. This dispute arises from the failure of Respondent ERCS to respond to a request for public records.

26 6. On July 16, 2019, Petitioner made a records request on Respondent pursuant to the CPRA. The  
27 request gave a specified timeframe, and asked for bank statements, various contacts, and emails. A true  
28 and correct copy of the request is attached as Exhibit A.

7. On July 26, 2019, Respondent's employee Katie Chau sent a three-sentence email from her phone stating that the school had not opened yet and, "We don't have any public records." A true and correct copy of this email is attached as Exhibit B.

8. On July 26, 2019, Petitioner replied within four minutes, and asked for clarification. Specifically, Petitioner asked whether Respondent was claiming that no records existed, or that the requested records were not subject to the CPRA. A true and correct copy of this email is attached as Exhibit C.

9. On August 10, 2019, 14 days after Respondent's only email, Petitioner had received no response to his reply and no responsive documents. Petitioner emailed Respondent to check on the status of his request, and to once again seek clarification on Respondent's claim that no public records existed. A true and correct copy of this email is attached as Exhibit D.

10. On August 23, 2019, 27 days after Respondent's only email, Petitioner had received no response to his reply and no responsive documents. Petitioner again emailed Respondent to check on the status of his request. A true and correct copy of this email is attached as Exhibit E.

11. On September 22, 2019, 57 days after Respondent's only email, Petitioner informed Respondent through two emails that Petitioner would, "proceed as if your school had explicitly denied me access to these public records" unless Petitioner had received a response by September, 27, 2019. A true and correct copy of these emails are attached as Exhibit F and Exhibit G.

12. Since Respondent's three-sentence email on July 23, 2019, Petitioner has not received any other response or responsive documents from Respondent.

### CAUSE OF ACTION

**For Violations of the California Public Records Act, Gov't Code § 6250 *et seq.***

13. Petitioner realleges and incorporates by reference the preceding paragraphs in this Petition.

14. Pursuant to Government Code § 6258, any persons may “institute proceeding for injunctive or declaratory relief or writ of mandate in any court of competent jurisdiction to enforce his or her right to inspect or receive a copy of any public record or class of public records under this chapter.”

15. The records Petitioner seeks are public records, i.e., writings related to the conduct of the public's business.

///

1 16. Upon information and belief, Petitioner alleges that Respondent prepared, retained, used, or has  
2 control or constructive possession of public records that are responsive to Petitioner's request.

3 17. Petitioner alleges in accordance with Government Code § 6259(a) that the information it seeks  
4 from Respondent is maintained in Los Angeles County.

5 18. Respondent's failure to provide responsive public records violates the CPRA.

6 19. Petitioner requests that this Court issue a writ of mandate compelling Respondent to release the  
7 requested records.

8 **REQUEST FOR RELIEF**

9 WHEREFORE, Petitioner respectfully requests judgement as follows:

10 1. That the Court issue a peremptory writ of mandate directing Respondent to make all requested  
11 documents available for inspection and provide a quote for direct costs of duplication of the records within  
12 10 days of this Court's order directing that they do so;

13 2. That the Court enter an order awarding Petitioner his costs of suit and reasonable attorney's fees  
14 and costs incurred in bringing this litigation;

15 3. For such other relief as this Court deems just and proper.

16 Dated: 1/17/2020

17 By: /s/ Robert Ian Stringham  
18 Robert Ian Stringham

19 By: /s/ Tasha Alyssa Hill  
20 Tasha Alyssa Hill

21 Attorneys for Petitioner  
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1 **VERIFICATION**

2 I, Adrian Riskin, have read the foregoing Petition for Writ of Mandate and know the contents thereof.  
3 The same is true of my own knowledge, except as to those matters alleged on information and belief,  
4 and, as to those matters, I also believe them to be true.

5  
6 I declare under penalty of perjury under the laws of California that the foregoing is true and correct.

7  
8 Executed on JANUARY 13, 2020, in Los Angeles, California.

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10 By:   
11 Adrian Riskin  
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# EXHIBIT A

**Subject:** CPRA request (ERCS.2019.07.16.a)

**From:** adrian@123mail.org

**Date:** 7/16/19, 9:25 AM

**To:** elriocommunityschool@gmail.com, katie.chau@ileadexploration.org

Good morning, Ms. Chau.

I am seeking access to the following material from January 1, 2018 through July 16, 2019:

1. Ledgers or bank statements showing all transactions both debits and credits showing dates, amounts, and all parties. I don't need both and if you have sufficiently detailed ledgers there's no need to redact and produce bank statements.
2. Contracts between El Rio Community School ("El Rio") and anyone other than LAUSD.
3. If El Rio employs any consultants, all communications both email and other, between El Rio and said consultants.
4. All emails in the possession of El Rio founders which are:
  - a. to/from/cc/bcc El Rio board members
  - b. to/from/cc/bcc lausd.net
  - c. to/from/cc/bcc ccsa.org
  - d. to/from/cc/bcc other El Rio founders
  - e. to/from/cc/bcc lacity.org

Please note that I need to see copies of the emails in native format as required by the CPRA at Section 6253.9(a)(1). Native formats for emails are MBOX, EML, PST, or MSG. I also need to see all attachments to these emails in their native formats. Please note that when you provide emails in native format their attachments are automatically included in native format.

If you find it necessary to redact any of the emails, please note that both EML and MBOX are text formats. The files can be opened in any text editor, e.g. Notepad, and segregable exempt material can be redacted by replacing it with innocuous symbols, e.g. ++++++. Any other method of redaction destroys the essential character, i.e. the searchability and sortability, of the record and violates the CPRA at section 6253.9(a)(1). This method of redaction is probably easier for you as well since it allows for search and replace.

If you choose to withhold or redact any records responsive to this request, please take measures as you would under a standard litigation hold not to delete those records until we have settled any disputes over claimed exemptions to our mutual satisfaction. If there are any records which would be responsive but for the fact that you've chosen not to consider them to be public records for any reason, please inform me of their existence and retain those under the same terms.

Finally, can you please confirm receipt of this email immediately so I don't have to go to the trouble of sending it via certified mail?

Thanks!

Adrian

# EXHIBIT B

**Subject:** Re: CPRA request (ERCS.2019.07.16.a)  
**From:** el rio community school <elriocommunityschool@gmail.com>  
**Date:** 7/26/19, 6:46 AM  
**To:** adrian@123mail.org

Hi Adrian,

Thank you for your email. El Rio Community School is authorized by LAUSD to operate a charter school in 2020, but the school hasn't even opened yet. We don't have any public records.

Best,  
Katie

Sent from my iPhone

On Jul 16, 2019, at 9:25 AM, [adrian@123mail.org](mailto:adrian@123mail.org) wrote:

Good morning, Ms. Chau.

I am seeking access to the following material from January 1, 2018 through July 16, 2019:

1. Ledgers or bank statements showing all transactions both debits and credits showing dates, amounts, and all parties. I don't need both and if you have sufficiently detailed ledgers there's no need to redact and produce bank statements.
2. Contracts between El Rio Community School ("El Rio") and anyone other than LAUSD.
3. If El Rio employs any consultants, all communications both email and other, between El Rio and said consultants.
4. All emails in the possession of El Rio founders which are:
  - a. to/from/cc/bcc El Rio board members
  - b. to/from/cc/bcc lausd.net
  - c. to/from/cc/bcc ccsa.org
  - d. to/from/cc/bcc other El Rio founders
  - e. to/from/cc/bcc lacity.org

Please note that I need to see copies of the emails in native format as required by the CPRA at Section 6253.9(a)(1). Native formats for emails are MBOX, EML, PST, or MSG. I also need to see all attachments to these emails in their native formats. Please note that when you provide emails in native format their attachments are automatically included in native format.

If you find it necessary to redact any of the emails, please note that both EML and MBOX are text formats. The files can be opened in any text editor, e.g. Notepad, and segregable exempt material can be redacted by replacing it with innocuous symbols, e.g. ++++++. Any other method of redaction destroys the essential character, i.e. the searchability and sortability, of the record and violates the CPRA at section 6253.9(a)(1). This method of redaction is probably easier for you as well since it allows for search and replace.

If you choose to withhold or redact any records responsive to this request, please take measures as you would under a standard litigation hold not to delete those records until we have settled any disputes over claimed exemptions to our mutual satisfaction. If

there are any records which would be responsive but for the fact that you've chosen not to consider them to be public records for any reason, please inform me of their existence and retain those under the same terms.

Finally, can you please confirm receipt of this email immediately so I don't have to go to the trouble of sending it via certified mail?

Thanks!

Adrian

# EXHIBIT C

**Subject:** Re: CPRA request (ERCS.2019.07.16.a)  
**From:** adrian@123mail.org  
**Date:** 7/26/19, 6:50 AM  
**To:** "el rio community school" <elriocommunityschool@gmail.com>

Hi Katie!

That seems completely implausible. I really wonder how El Rio Community School could get authorized without any records being created. Just for instance, I find it impossible to believe that a charter school could get authorized by LAUSD without a single email being exchanged. Can you please clarify what you mean, therefore?

Like are you claiming that there are no records? Or that there are records but for some unarticulated reason they're not public? Or something else?

Thanks!

Adrian

On Fri, Jul 26, 2019, at 6:46 AM, el rio community school wrote:

Hi Adrian,

Thank you for your email. El Rio Community School is authorized by LAUSD to operate a charter school in 2020, but the school hasn't even opened yet. We don't have any public records.

Best,  
Katie

Sent from my iPhone

On Jul 16, 2019, at 9:25 AM, [adrian@123mail.org](mailto:adrian@123mail.org) wrote:

Good morning, Ms. Chau.

I am seeking access to the following material from January 1, 2018 through July 16, 2019:

1. Ledgers or bank statements showing all transactions both debits and credits showing dates, amounts, and all parties. I don't need both and if you have sufficiently detailed ledgers there's no need to redact and produce bank statements.
2. Contracts between El Rio Community School ("El Rio") and anyone other than LAUSD.
3. If El Rio employs any consultants, all communications both email and other, between El Rio and said consultants.
4. All emails in the possession of El Rio founders which are:
  - a. to/from/cc/bcc El Rio board members
  - b. to/from/cc/bcc lausd.net
  - c. to/from/cc/bcc ccsa.org
  - d. to/from/cc/bcc other El Rio founders
  - e. to/from/cc/bcc lacity.org

Please note that I need to see copies of the emails in native format as required by

the CPRA at Section 6253.9(a)(1). Native formats for emails are MBOX, EML, PST, or MSG. I also need to see all attachments to these emails in their native formats. Please note that when you provide emails in native format their attachments are automatically included in native format.

If you find it necessary to redact any of the emails, please note that both EML and MBOX are text formats. The files can be opened in any text editor, e.g. Notepad, and segregable exempt material can be redacted by replacing it with innocuous symbols, e.g. ++++++. Any other method of redaction destroys the essential character, i.e. the searchability and sortability, of the record and violates the CPRA at section 6253.9(a)(1). This method of redaction is probably easier for you as well since it allows for search and replace.

If you choose to withhold or redact any records responsive to this request, please take measures as you would under a standard litigation hold not to delete those records until we have settled any disputes over claimed exemptions to our mutual satisfaction. If there are any records which would be responsive but for the fact that you've chosen not to consider them to be public records for any reason, please inform me of their existence and retain those under the same terms.

Finally, can you please confirm receipt of this email immediately so I don't have to go to the trouble of sending it via certified mail?

Thanks!

Adrian

# EXHIBIT D

**Subject:** Re: CPRA request (ERCS.2019.07.16.a)  
**From:** adrian@123mail.org  
**Date:** 8/10/19, 8:24 PM  
**To:** "el rio community school" <elriocommunityschool@gmail.com>

Hi Ms. Chau,

I'm just checking on the status of this. Your charter says you'll comply with the public records act, and compliance requires a response containing certain specified information. This response was due more than two weeks ago. Your statement that "the school hasn't even opened yet" is entirely a non sequitur. What possible difference could it make if the school has opened yet or not? The school exists and both the law and your contract with LAUSD require CPRA compliance. It's really essential that you not ignore this matter any longer as you will certainly incur significant liability should you continue to do so.

Thanks for your anticipated assistance!

Adrian

On Fri, Jul 26, 2019, at 6:50 AM, [adrian@123mail.org](mailto:adrian@123mail.org) wrote:

Hi Katie!

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Like are you claiming that there are no records? Or that there are records but for some unarticulated reason they're not public? Or something else?

Thanks!

Adrian

On Fri, Jul 26, 2019, at 6:46 AM, el rio community school wrote:

Hi Adrian,

Thank you for your email. El Rio Community School is authorized by LAUSD to operate a charter school in 2020, but the school hasn't even opened yet. We don't have any public records.

Best,  
Katie

Sent from my iPhone

On Jul 16, 2019, at 9:25 AM, [adrian@123mail.org](mailto:adrian@123mail.org) wrote:

Good morning, Ms. Chau.

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1. Ledgers or bank statements showing all transactions both debits and credits

showing dates, amounts, and all parties. I don't need both and if you have sufficiently detailed ledgers there's no need to redact and produce bank statements.

2. Contracts between El Rio Community School ("El Rio") and anyone other than LAUSD.

3. If El Rio employs any consultants, all communications both email and other, between El Rio and said consultants.

4. All emails in the possession of El Rio founders which are:

- a. to/from/cc/bcc El Rio board members
- b. to/from/cc/bcc lausd.net
- c. to/from/cc/bcc ccsa.org
- d. to/from/cc/bcc other El Rio founders
- e. to/from/cc/bcc lacity.org

Please note that I need to see copies of the emails in native format as required by the CPRA at Section 6253.9(a)(1). Native formats for emails are MBOX, EML, PST, or MSG. I also need to see all attachments to these emails in their native formats. Please note that when you provide emails in native format their attachments are automatically included in native format.

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Finally, can you please confirm receipt of this email immediately so I don't have to go to the trouble of sending it via certified mail?

Thanks!

Adrian

# EXHIBIT E

**Subject:** Re: CPRA request (ERCS.2019.07.16.a)  
**From:** adrian@123mail.org  
**Date:** 8/23/19, 7:35 AM  
**To:** "el rio community school" <elriocommunityschool@gmail.com>

Good morning, Ms. Chau.

I'm just checking on the status of this matter.

thanks,

Adrian

On Sat, Aug 10, 2019, at 8:24 PM, [adrian@123mail.org](mailto:adrian@123mail.org) wrote:

Hi Ms. Chau,

I'm just checking on the status of this. Your charter says you'll comply with the public records act, and compliance requires a response containing certain specified information. This response was due more than two weeks ago. Your statement that "the school hasn't even opened yet" is entirely a non sequitur. What possible difference could it make if the school has opened yet or not? The school exists and both the law and your contract with LAUSD require CPRA compliance. It's really essential that you not ignore this matter any longer as you will certainly incur significant liability should you continue to do so.

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Like are you claiming that there are no records? Or that there are records but for some unarticulated reason they're not public? Or something else?

Thanks!

Adrian

On Fri, Jul 26, 2019, at 6:46 AM, el rio community school wrote:

Hi Adrian,

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Best,  
Katie

Sent from my iPhone

On Jul 16, 2019, at 9:25 AM, [adrian@123mail.org](mailto:adrian@123mail.org) wrote:

Good morning, Ms. Chau.

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- a. to/from/cc/bcc El Rio board members
- b. to/from/cc/bcc lausd.net
- c. to/from/cc/bcc ccsa.org
- d. to/from/cc/bcc other El Rio founders
- e. to/from/cc/bcc lacity.org

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Finally, can you please confirm receipt of this email immediately so I don't have to go to the trouble of sending it via certified mail?

Thanks!

Adrian

# EXHIBIT F

**Subject:** Re: CPRA request (ERCS.2019.07.16.a)  
**From:** adrian@123mail.org  
**Date:** 9/22/19, 2:13 PM  
**To:** "el rio community school" <elriocommunityschool@gmail.com>

Hi Ms Chau,

I'm just checking on the status of this matter. If I don't hear from you with a good faith proposal for timely production I will proceed as if your school had explicitly denied me access to these public records

Thank you!

Adrian

On Fri, Aug 23, 2019, at 7:35 AM, [adrian@123mail.org](mailto:adrian@123mail.org) wrote:

Good morning, Ms. Chau.

I'm just checking on the status of this matter.

thanks,

Adrian

On Sat, Aug 10, 2019, at 8:24 PM, [adrian@123mail.org](mailto:adrian@123mail.org) wrote:

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Adrian

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Thanks!

Adrian

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Katie

Sent from my iPhone

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I am seeking access to the following material from January 1, 2018 through July 16, 2019:

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2. Contracts between El Rio Community School ("El Rio") and anyone other than LAUSD.
3. If El Rio employs any consultants, all communications both email and other, between El Rio and said consultants.
4. All emails in the possession of El Rio founders which are:
  - a. to/from/cc/bcc El Rio board members
  - b. to/from/cc/bcc lausd.net
  - c. to/from/cc/bcc ccsa.org
  - d. to/from/cc/bcc other El Rio founders
  - e. to/from/cc/bcc lacity.org

Please note that I need to see copies of the emails in native format as required by the CPRA at Section 6253.9(a)(1). Native formats for emails are MBOX, EML, PST, or MSG. I also need to see all attachments to these emails in their native formats. Please note that when you provide emails in native format their attachments are automatically included in native format.

If you find it necessary to redact any of the emails, please note that both EML and MBOX are text formats. The files can be opened in any text editor, e.g. Notepad, and segregable exempt material can be redacted by replacing it with innocuous symbols, e.g. ++++++. Any other method of redaction destroys the essential character, i.e. the searchability and sortability, of the record and violates the CPRA at section 6253.9(a)(1). This method of redaction is probably easier for you as well since it allows for search and replace.

If you choose to withhold or redact any records responsive to this request, please take measures as you would under a standard litigation hold not to delete those records until we have settled any disputes over claimed exemptions

to our mutual satisfaction. If there are any records which would be responsive but for the fact that you've chosen not to consider them to be public records for any reason, please inform me of their existence and retain those under the same terms.

Finally, can you please confirm receipt of this email immediately so I don't have to go to the trouble of sending it via certified mail?

Thanks!

Adrian

# EXHIBIT G

**Subject:** Re: CPRA request (ERCS.2019.07.16.a)  
**From:** adrian@123mail.org  
**Date:** 9/22/19, 4:39 PM  
**To:** "el rio community school" <elriocommunityschool@gmail.com>

Ah, goodness, Ms. Chau!

I see I forgot to state a leash-length!

What I mean to say is that if I don't hear from you by Friday, September 27, 2019, with a good faith proposal then ...

Thanks!

Adrian

On Sun, Sep 22, 2019, at 2:13 PM, [adrian@123mail.org](mailto:adrian@123mail.org) wrote:

Hi Ms Chau,

I'm just checking on the status of this matter. If I don't hear from you with a good faith proposal for timely production I will proceed as if your school had explicitly denied me access to these public records

Thank you!

Adrian

On Fri, Aug 23, 2019, at 7:35 AM, [adrian@123mail.org](mailto:adrian@123mail.org) wrote:

Good morning, Ms. Chau.

I'm just checking on the status of this matter.

thanks,

Adrian

On Sat, Aug 10, 2019, at 8:24 PM, [adrian@123mail.org](mailto:adrian@123mail.org) wrote:

Hi Ms. Chau,

I'm just checking on the status of this. Your charter says you'll comply with the public records act, and compliance requires a response containing certain specified information. This response was due more than two weeks ago. Your statement that "the school hasn't even opened yet" is entirely a non sequitur. What possible difference could it make if the school has opened yet or not? The school exists and both the law and your contract with LAUSD require CPRA compliance. It's really essential that you not ignore this matter any longer as you will certainly incur significant liability should you continue to do so.

Thanks for your anticipated assistance!

Adrian

On Fri, Jul 26, 2019, at 6:50 AM, [adrian@123mail.org](mailto:adrian@123mail.org) wrote:

Hi Katie!

That seems completely implausible. I really wonder how El Rio Community School could get authorized without any records being created. Just for instance, I find it impossible to believe that a charter school could get authorized by LAUSD without a single email being exchanged. Can you please clarify what you mean, therefore?

Like are you claiming that there are no records? Or that there are records but for some unarticulated reason they're not public? Or something else?

Thanks!

Adrian

On Fri, Jul 26, 2019, at 6:46 AM, el rio community school wrote:

Hi Adrian,

Thank you for your email. El Rio Community School is authorized by LAUSD to operate a charter school in 2020, but the school hasn't even opened yet. We don't have any public records.

Best,  
Katie

Sent from my iPhone

On Jul 16, 2019, at 9:25 AM, [adrian@123mail.org](mailto:adrian@123mail.org) wrote:

Good morning, Ms. Chau.

I am seeking access to the following material from January 1, 2018 through July 16, 2019:

1. Ledgers or bank statements showing all transactions both debits and credits showing dates, amounts, and all parties. I don't need both and if you have sufficiently detailed ledgers there's no need to redact and produce bank statements.
2. Contracts between El Rio Community School ("El Rio") and anyone other than LAUSD.
3. If El Rio employs any consultants, all communications both email and other, between El Rio and said consultants.
4. All emails in the possession of El Rio founders which are:
  - a. to/from/cc/bcc El Rio board members
  - b. to/from/cc/bcc lausd.net
  - c. to/from/cc/bcc ccsa.org
  - d. to/from/cc/bcc other El Rio founders
  - e. to/from/cc/bcc lacity.org

Please note that I need to see copies of the emails in native format as required by the CPRA at Section 6253.9(a)(1). Native formats for emails are MBOX, EML, PST, or MSG. I also need to see all attachments to these emails in their native formats. Please note that when you provide emails in native format their attachments are automatically included in native format.

If you find it necessary to redact any of the emails, please note that both EML and MBOX are text formats. The files can be opened in any text editor, e.g. Notepad, and segregable exempt material can be redacted by replacing it with innocuous symbols, e.g. ++++++. Any other method of redaction destroys the essential character, i.e. the searchability and sortability, of the record and violates the CPRA at section 6253.9(a)(1). This method of redaction is probably easier for you as well since it allows for search and replace.

If you choose to withhold or redact any records responsive to this request, please take measures as you would under a standard litigation hold not to delete those records until we have settled any disputes over claimed exemptions to our mutual satisfaction. If there are any records which would be responsive but for the fact that you've chosen not to consider them to be public records for any reason, please inform me of their existence and retain those under the same terms.

Finally, can you please confirm receipt of this email immediately so I don't have to go to the trouble of sending it via certified mail?

Thanks!

Adrian